



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

SMC
Docket No: 04819-00
19 October 2000

MSGT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Master Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 10 July 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

21819-00

IN REPLY REFER TO:
1610
MMER/PERB
10 JUL 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF
MASTER SERGEANT [REDACTED], [REDACTED] USMC

Ref: (a) MSgt. [REDACTED] DD Form 149 of 21 Dec 99
(b) MCO P1610.7D w/Ch 1-5

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 6 July 2000 to consider Master Sergeant [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 980702 to 981201 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report is both in error and unjust. To support his appeal, the petitioner furnishes his own "Summary of Events" detailing the situation during the five months covered by the challenged fitness report, as well as several items of documentary material.

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. As an adverse fitness report--so rendered by marks in Section B and comments in Section C--the petitioner was afforded an opportunity to acknowledge and respond. In his official rebuttal, the petitioner narrated 13 separate arguments with the Reporting Senior's evaluation. In his adjudication, the Reviewing Officer (Lieutenant Colonel [REDACTED]) did an admirable job of commenting on and resolving each issue, point-by-point. Nothing was left unanswered, and in the final analysis, Lieutenant Colonel [REDACTED] determined that the report was both fair and accurate.

b. Succinctly stated, the petitioner offers nothing new that would counter the findings documented by Major [REDACTED] in his preliminary inquiry completed 4 November 1998. Likewise, the petitioner provides no new arguments or documentation that were not known to or otherwise available to the Reviewing Officer when he adjudicated the petitioner's rebuttal. To this end, the Board concludes that the petitioner has failed to meet the burden of

31 PERB

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF
MASTER SERGEAN [REDACTED] USMC

proof necessary to establish the existence of either an error or
an injustice.

5. The case is forwarded for final action.

[REDACTED]

Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps